

# **EXHIBIT D**

Transcript of Adesh Jain  
Conducted on March 19, 2018

1 (1 to 4)

1	2	3
1 IN THE UNITED STATES DISTRICT COURT	1 APPEARANCES	
2 FOR THE EASTERN DISTRICT OF VIRGINIA	2	
3 ALEXANDRIA DIVISION	3 ON BEHALF OF THE PLAINTIFF, UNITED STATES EQUAL	
4	4 EMPLOYMENT OPPORTUNITY COMMISSION:	
5 United States Equal Employment : Case No.:	5 JEFFREY STERN	
6 Opportunity Commission, : 1:17cv1084	6 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION =	
7 Plaintiff, : (AJT/JFA)	7 CLEVELAND FIELD OFFICE	
8 v. : 8 CLEVELAND, OH 44199	9 (800) 669-4800	
9 Camber Corporation, : 10		
10 Defendant, : 11 ON BEHALF OF THE DEFENDANT, CAMBER CORPORATION:		
11	12 ROBERT ORTBALS	
12	13 CONSTANGY, BROOKS, SMITH & PROPSTETE, LLP	
13 Deposition of ADESH JAIN	14 7733 FORSYTH BLVD.	
14 TYSONS CORNER, VA	15 SUITE 1325	
15 Monday, March 19, 2018	16 ST. LOUIS, MO 63105	
16 9:30 a.m.	17 (314) 338-3740	
17	18	
18	19	
19	20	
20 Job No.: 182492	21	
21 Pages: 1 - 81	22	
22 Transcribed by: Christian Naaden		
2	3	4
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3	3 By Mr. Stern	7
4	4	
5 PLANET DEPOS - Tysons Corner	5	
6 8270 Greensboro Drive	6	
7 Suite 110	7 EXHIBITS	
8 McLean (Tysons Corner), VA 22102	8 (Retained by counsel)	
9	9	
10	10 Exhibit 1 Ashok Pai chain of command	
11	11 PAI000577	21
12	12 Exhibit 2 Training course records	
13	13 PAI002330 and 31	30
14 Pursuant to agreement, before Anthony	14 Exhibit 3 E-mail string dated 9/8/14	
15 Vorndran, Digital Reporter in and for the State of	15 EEOC000025 and 26	40
16 Virginia.	16 Exhibit 4 Email string dated 9/18/14	
17	17 PAI000045 through 68	49
18	18 Exhibit 5 Email string dated 10/1/14	
19	19 EEOC000163 through 165	57
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21	21 PAI 000152 through 154	72
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5 (17 to 20)

	17		19
1        So that is based on that refresher when this		1    Falls Church or Dayton, Ohio or some other location?	
2    thing happened and what my involvement was during that		2    A    It's at corporate headquarters, 1984 Isaac	
3    time frame. That's what we talked about.		3    Newton in Reston.	
4        I think it's still freeze.		4    Q    Reston, Virginia 20190?	
5        Q    Once again, please. I didn't hear your last		5    A    Yes, sir.	
6    comment. I'm sorry.		6    Q    And the phone number there to reach you is	
7        MR. VORNDRAN: This is the court reporter.		7    what?	
8    The screen had just froze for a moment.		8    A    I do not remember my office number, but my	
9        MR. STERN: Now, is it working okay again?		9    cell phone number is (571) 220-6722.	
10      MR. VORNDRAN: Yeah. We're back.		10     Q    I think you had mentioned you had given a	
11 BY MR. STERN:		11 deposition some years ago. Did that involve the	
12     Q    Was your call with Atif before or after your		12 deposition in a case about an employer?	
13    talk with Bob?		13     A    No, sir. It was our suit against the company.	
14     A    Before. Bob and I talked last Friday, and		14    So Avaya Government Solution sued a company, and this	
15    Atif and I talked the day we received an e-mail two		15    was company to company about a teaming	
16    weeks ago. And again, that call was about something		16    agreement/subcontract.	
17    else, but I asked him about, hey, did he also receive		17     Q    When did you start working for Avaya	
18    this e-mail that talks about deposition.		18    Government Solutions, I think you called it? When did	
19     Q    What else did the e-mail talk about?		19    you start with Avaya?	
20     A    I can pull the e-mail, but I think all it		20     A    So I started with the same company 2001. The	
21    says was that you are requested or asked to be at the		21    company name at that time was AC Technologies. That	
22    deposition and, if you would like to be subpoenaed,		22    company was purchased by PEC Solutions I believe the	
	18		20
1    then please let me know. And then the time frame that		1    next year, PEC Solutions was purchased by Nortel, and	
2    he was asking me to be available is next week, and		2    we became Nortel Government Solutions. This business	
3    then I said I would be out of country starting this		3    of Nortel was purchased by Avaya. We became Avaya	
4    Friday for 10 days. And that's when we rescheduled it		4    Government Solutions, and then in 2004, 2005 time	
5    for today. That's what I --		5    frame Avaya Government Solutions business -- this	
6        Q    Do you have any plans to be out of country in		6    business was bought by Camber and we became Camber. So	
7    June, July, or August of this year?		7    same company since 2001. I had been there until about	
8        A    Not at this point. However, that's the time		8    two years ago.	
9    frame when kids are out. So, you know, sometimes I		9        Q    Let's talk briefly about your career with	
10    can't tell you what vacation plan we make, and we tend		10    that chain of companies that you discussed a minute	
11    to make a lot of vacation at the last moment. So at		11    ago. And it's -- which way is easier, to go backwards	
12    this point we do not have any plan to be out of		12    from your last position at Camber or go forwards from	
13    country during that time frame.		13    I believe you said it was known as AC Tech? Was that	
14     Q    You currently reside in Fairfax County,		14    the first one?	
15    Virginia?		15     A    Yeah. Either way is fine. I can start with AC	
16     A    Yes, sir.		16    Tech. AC Tech --	
17     Q    Do you have any plans to move your residence		17     Q    By all means, do so.	
18    outside of Virginia in June, July, or August of this		18     A    AC Technologies --	
19    year?		19     Q    Go ahead.	
20     A    I do not.		20     A    -- I was a program manager or a project	
21     Q    Now, your office at NikSoft Systems		21    manager. I don't remember exact title at that time. I	
22    Corporation, is that at the corporate headquarters or		22    was working on a contract, and then from there I	

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6 (21 to 24)

<p>1 became program director. And then when PEC Solutions 2 bought us, within a year after that I became vice 3 president.</p> <p>4 And then since then I have been vice 5 president and general manager. So I would say probably 6 2003, 2004 time – 2003 time frame I had been vice 7 president and general manager for my division. And the 8 division responsibilities changed over time. So maybe 9 I started out with about 80 people when I started out 10 in 2003, and then by the time I left I was managing 11 about 500-plus employees being a vice president and 12 general manager of my division.</p> <p>13 Q Now, so this [inaudible] with more than 500 14 employees, that was -- that was a responsibility you 15 had at Camber?</p> <p>16 A That is correct. So in June of 2016 I had 17 500-plus people under my business unit.</p> <p>18 MR. STERN: Anthony, if you could locate in 19 your document package a one-page document, lower 20 right-hand corner, the meeting initials are capital P- 21 capital A-capital I, and the number is 000517. Single- 22 page document PAI000517 in the lower right-hand</p>	21	<p>1 says, VP. That's vice president. Was there any other 2 part of that title that isn't depicted there? Vice 3 president for some part, unit? Vice president of what?</p> <p>4 A I believe my unit was called Software 5 Engineering Division.</p> <p>6 Q Was Vice President Page a reviewer or 7 assessor of your performance at that time?</p> <p>8 A Correct. Yes.</p> <p>9 Q And the name directly underneath, it says 10 Atif [sic] Khalil, center director. Is that Atif 11 Khalil --</p> <p>12 A That --</p> <p>13 Q -- that you discussed?</p> <p>14 A Yes.</p> <p>15 Q Yes? Any other part of his title under you 16 other than center director?</p> <p>17 A No. We didn't name the centers. So there was 18 -- I mean, his title was center director, but there 19 was no name for that center. I think, if anything, we 20 might have called that center DOJ EOIR because he was 21 running that program.</p> <p>22 Q DOJ, that's United States Department of</p>	23
<p>1 corner.</p> <p>2 MR. VORNDRAN: Got it. Jain 1.</p> <p>3 MR. STERN: You can mark that. Thank you.</p> <p>4 Bob, you got it?</p> <p>5 MR. ORTBALS: Yeah. I got it.</p> <p>6 MR. VORNDRAN: Exhibit is placed in front of 7 the witness.</p> <p>8 BY MR. STERN:</p> <p>9 Q Mr. Jain, directing your attention to this 10 exhibit, the top there, Ashok Pai chain of command, it 11 says, through Pai's employment to October 31st, 2014. 12 And what's the first name and position listed there?</p> <p>13 A Michael Page [ph].</p> <p>14 Q Michael. With respect to your position then 15 in October 2014, what was Mr. Page?</p> <p>16 A So Michael Page was running the business unit 17 that used to be Avaya Government Solutions within 18 Camber. So he was over in charge of what used to be 19 Avaya Government Solutions and now became a business 20 unit within Camber. And I directly reported to Mike 21 Page.</p> <p>22 Q This entry for you immediately under Mr. Page</p>	22	<p>1 Justice?</p> <p>2 A That's correct.</p> <p>3 Q EOIR, that's Executive Office of Immigration 4 Review?</p> <p>5 A That's correct.</p> <p>6 Q How many Camber employees were employed at 7 that center at that time, that is at the DOJ EOIR -- 8 EOIR? Excuse me.</p> <p>9 A I do not know the exact number, but I would 10 say approximately 60 people within that center.</p> <p>11 Q And were you a reviewer or appraiser of Mr. 12 Khalil's performance as center director at the time 13 the incident -- at the time of this exhibit that is 14 through Mr. Pai's employment to October 31st, 2014?</p> <p>15 A Yes. I was.</p> <p>16 Q At the time that Senior Vice President Page 17 was your person you reported to, who decided what your 18 compensation would be in terms of increases and such?</p> <p>19 A Michael Page.</p> <p>20 Q And at that time who decided what Mr. 21 Khalil's compensation would be?</p> <p>22 A That would be me, and then it would be re-</p>	24

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11 (41 to 44)

<p>1 MR. VORNDRAN: Okay.</p> <p>2 MR. STERN: This is what? Exhibit 3?</p> <p>3 MR. VORNDRAN: Yes, sir.</p> <p>4 BY MR. STERN:</p> <p>5 Q Mr. Jain, this is a brief Camber e-mail</p> <p>6 string Lisa Thompson, Atif Khalil, copy you. The</p> <p>7 subject, transition request HR-5 on September 8th,</p> <p>8 2014?</p> <p>9 A Uh-huh.</p> <p>10 Q That's a yes, affirmative?</p> <p>11 A Yes.</p> <p>12 Q And the top of the first page, that EOC25,</p> <p>13 the right top there it says, from Lisa Thompson to</p> <p>14 Atif, copy to you; correct?</p> <p>15 A Yes.</p> <p>16 Q And it's dated Monday, September 8th, 11:42</p> <p>17 a.m.?</p> <p>18 A Yes.</p> <p>19 Q And that is Lisa's response to immediately</p> <p>20 following e-mail string from Atif at 11:08 a.m. saying</p> <p>21 nay to Lisa Thompson, copy you?</p> <p>22 A Yes.</p>	<p>41</p> <p>1 the western states."</p> <p>2 Was this e-mail string the first time you had</p> <p>3 heard or learned anything about Mr. Pai expressing an</p> <p>4 interest to explore a possibility of transferring to</p> <p>5 Southern California or western states?</p> <p>6 A Yes.</p> <p>7 MR. STERN: Anthony, the next exhibit lower</p> <p>8 right-hand corner, production number is PAI, P-A-I,</p> <p>9 000045 through 68.</p> <p>10 MR. VORNDRAN: There we go. Labeling now.</p> <p>11 Here you go, sir.</p> <p>12 BY MR. STERN:</p> <p>13 Q Are you ready to talk about exhibit 4 to your</p> <p>14 deposition?</p> <p>15 A Yes.</p> <p>16 Q If you -- exhibit 4 to this deposition is an</p> <p>17 e-mail string from Lisa Thompson to Atif Khalil and a</p> <p>18 copy to you, subject transition request, top of the</p> <p>19 first page dated Thursday, September 18 at 1:22 p.m.?</p> <p>20 A Yes.</p> <p>21 Q And the earliest e-mail in the string on the</p> <p>22 third page of this exhibit is the e-mail from Mr. Pai</p>	<p>43</p>
<p>1 Q In that e-mail string Mr. Khalil asked Lisa</p> <p>2 Thompson -- he writes, "Ashok returned from California</p> <p>3 this week and has decided to move back home, realizing</p> <p>4 he's unable to continue working on the east coast.</p> <p>5 Please see this e-mail below." He then asks, "Is this</p> <p>6 sufficient for the displacement letter? I will move</p> <p>7 forward with creating the req and identify a</p> <p>8 replacement as soon as I hear back from you." Correct?</p> <p>9 A Yes.</p> <p>10 Q And she responds, "This is sufficient for</p> <p>11 resignation purposes, and we will have it effective</p> <p>12 10/31/14. If anything changes, let me know. Thanks."</p> <p>13 A Yes.</p> <p>14 Q Mr. Khalil had forwarded it towards the</p> <p>15 bottom there an e-mail from Mr. Pai on the same day</p> <p>16 about a half hour before. That is 10:32 a.m.?</p> <p>17 A Yes.</p> <p>18 Q Mr. Pai wrote, "Hi Atif. As discussed, my</p> <p>19 family medical issues have become increasingly severe</p> <p>20 precluding our planned relocation to D.C. metro area,</p> <p>21 and I am compelled to explore the possibility of a</p> <p>22 transfer to the Southern California area or to any of</p>	<p>42</p> <p>1 to Khalil on Monday, September 8th at 9:33 a.m.</p> <p>2 Subject is exploring transfer possibilities?</p> <p>3 A Yes.</p> <p>4 Q First page of this exhibit, the e-mail to</p> <p>5 which Lisa Thompson is responding. It's from Khalil.</p> <p>6 It's about halfway down the first page. Sent</p> <p>7 [inaudible] September 18, 2014, 12:41 p.m.?</p> <p>8 A Yes.</p> <p>9 Q Who is Lisa Thompson?</p> <p>10 A HR, human resources specialist or whatever</p> <p>11 her title was.</p> <p>12 Q Where was she stationed?</p> <p>13 A Fair Lakes, Virginia.</p> <p>14 Q Atif wrote to Lisa at the time, "See Ashok's</p> <p>15 e-mail below. He plans to leave the project effective</p> <p>16 10/31/14 with notice to the immediate Camber employer.</p> <p>17 employee supporting not billable work from</p> <p>18 California."</p> <p>19 Atif writes further, "As far as I know,</p> <p>20 that's not an option we are offering him."</p> <p>21 What did you know about options that were or</p> <p>22 were not offered to Mr. Pai?</p>	<p>44</p>

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12 (45 to 48)

<p>1   <b>A</b> Nothing really. This is program operations in 2 general, and program manager directly work with our 3 human resources. And then sometimes I'm copied on the 4 request like this so that I'm aware of what is going 5 on.</p> <p>6   <b>Q</b> Atif went on to write, "Based on this," 7 referring to Mr. Pai, "based on his 9/08/14 e-mail, 8 could you," -- that's Lisa -- "generate a separation 9 letter so he's clear on his options? Deidra also 10 offered him FMLA. So I don't know how that plays into 11 this situation."</p> <p>12   Who's -- who's Deidra?</p> <p>13   <b>A</b> She's also human resources, and then I'm not 14 sure if she is manager of Lisa or peer to Lisa. I 15 don't remember that.</p> <p>16   <b>Q</b> Was she also stationed in Fair Lakes or some 17 other place?</p> <p>18   <b>A</b> No, I believe she was in Huntsville.</p> <p>19   <b>Q</b> Khalil goes on to write, "We have notified my 20 client that Ashok will be leaving the project 21 effective 10/31/14, and we have started searching for 22 a replacement, per their directions."</p>	45	<p>1   <b>A</b> Yes.</p> <p>2   <b>Q</b> And continued to do so when Camber -- after 3 Camber acquired Avaya?</p> <p>4   <b>A</b> Yes.</p> <p>5   <b>Q</b> Other than these e-mail strings that we've 6 been going through, other than -- that that, did you 7 have any understanding of Mr. Pai's son's condition or 8 hospitalization?</p> <p>9   <b>A</b> No. I did not. [Inaudible].</p> <p>10   <b>MR. STERN</b>: Pardon. I didn't hear the last 11 comment. Did someone make a comment? I thought I heard 12 something but couldn't understand it.</p> <p>13   <b>MR. VORNDRAN</b>: This is the court reporter. He 14 had just said that the screen cut out. He was letting 15 me know. We can hear you, but we cannot see you.</p> <p>16   <b>MR. STERN</b>: Can't see me?</p> <p>17   <b>MR. VORNDRAN</b>: We cannot see anybody. Just a 18 black screen. But if you can hear us --</p> <p>19   <b>MR. STERN</b>: Bob, can you hear?</p> <p>20   <b>MR. ORTBALS</b>: Yeah. I'm here. I'm hearing 21 everything fine.</p> <p>22   <b>MR. STERN</b>: Can you see everything fine?</p>	47
<p>1   Who was the client referenced regarding 2 Ashok?</p> <p>3   <b>A</b> DOJ EOIR.</p> <p>4   <b>Q</b> Direct your attention to the third page of 5 this exhibit. We're looking at Mr. Pai's first e-mail 6 to Khalil. Let me know when you're there. We'll talk 7 about that briefly.</p> <p>8   <b>A</b> I'm here.</p> <p>9   <b>Q</b> That portion of the string is an e-mail from 10 Mr. Pai at EOIR, Monday, September 8th at 9:33 a.m. to 11 Atif, also -- also the EOIR, subject exploring 12 transfer possibilities?</p> <p>13   <b>A</b> Yes.</p> <p>14   <b>Q</b> Mr. Pai wrote, "Came over a couple times to 15 your office this morning. I want -- because I want to 16 explore possibilities of transferring within Camber."</p> <p>17 Goes on to say, "My son's hospitalization has 18 emphasized the need for me to be near my family, and 19 though not urgent, I need to plan for it."</p> <p>20   Mr. Pai had -- had worked in your unit -- 21 business unit that was servicing EOIR before it became 22 Camber; yes?</p>	46	<p>1   <b>MR. ORTBALS</b>: Yeah. I can still see 2 everything.</p> <p>3   <b>MR. STERN</b>: I've got three pictures with the 4 picture here. I can see Mr. Jain. I can see Bob. I can 5 see myself. Shall we continue, or shall we get some 6 technical assistance to get the screen at the court 7 reporter's office to illuminate?</p> <p>8   <b>MR. VORNDRAN</b>: So I actually am a technician 9 when it comes to these things as well. I -- I have no 10 problem proceeding, if you guys don't have an issue 11 with it. It looks like we're back up now. If it 12 continues, we can reset the system, but it looks like 13 we're good.</p> <p>14   <b>MR. STERN</b>: Okay. Then we'll just keep on 15 keeping on.</p> <p>16   <b>MR. VORNDRAN</b>: Sorry for the interruption.</p> <p>17   <b>MR. STERN</b>: No problem.</p> <p>18   <b>MR. STERN</b>: Well, in segment I lost my last 19 question. What -- what was the last question I asked, 20 Anthony? Can you just --</p> <p>21   <b>MR. VORNDRAN</b>: I am going to play that back 22 because I'm a digital reporter today.</p>	48

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13 (49 to 52)

1 My playback is having issues. I'm going to  
2 have to go off the record and play back the last  
3 question. Is that okay?

4 MR. STERN: Okay.

5 THE WITNESS: I think I already answered  
6 that. It was after that one more question.

7 MR. STERN: I think mister -- Mr. Jain  
8 actually caught what my last question is, and while I  
9 still have it in my mind I -- I think we're ready to  
10 go back on whenever Anthony, you can get ready to --

11 MR. VORNDRAN: Yeah.

12 MR. STERN: -- go back on the record.

13 MR. VORNDRAN: Yes, sir. I am ready.  
14 BY MR. STERN:

15 Q Mr. Jain, it is my understanding that other  
16 than these e-mail strings that we've been looking at,  
17 you didn't at that time know anything about Mr. Pai's  
18 son's condition, hospitalization mentioned in an e-  
19 mail?

20 A That's correct. I did not know that.

21 Q Mr. Jain, directing your attention to the e-  
22 mail at the bottom of the first page of this string,

50 1 I'm looking at page 54065 in the lower right-hand  
2 corner. It's the first page of exhibit 4. Looking at  
3 the e-mail portion of the string starting at the  
4 bottom there from Mr. Pai to Atif Khalil, September 18  
5 at 12:25 p.m.

6 A Yes.

7 Q Mr. Pai writes, among other things, "As a  
8 couple of Camber team members have stated this, I must  
9 point out I have not resigned."

10 Have you heard anything about Camber team  
11 members saying anything about Mr. Pai having resigned?

12 A No. I have not.

13 Q Mr. Pai continues to write now at the top of  
14 page 66, second page of this exhibit.

15 A Yes.

16 Q And he writes in the first full paragraph  
17 there, "I am requesting a transfer here to the  
18 Southern California region." And goes on to say that,  
19 "As you," meaning Atif, "wanted to plan [inaudible]  
20 and graciously suggested October 31, 2014, I put that  
21 date in my transition request."

22 Then he goes on to [inaudible] Camber

51 1 Corporation being a rapidly growing company,  
2 cybersecurity being a major growth area. He narrates  
3 various cybersecurity certifications that he has?

4 A Yes.

5 Q When Camber was either putting in a bid or --  
6 or anticipating responding to a request for proposals  
7 for projects, did Camber evaluate which of their  
8 existing staff might be assets for anticipated  
9 business that hadn't yet been sold and funded?

10 A It really depends on what is being asked in  
11 that request for proposal. Typically, RFP would have  
12 key personnel requirements, and then if we need to  
13 find those key personnel prior to the bid, then  
14 typically we would look for those key personnel within  
15 the company.

16 Anything outside of that, we will never do  
17 that. We never did that, but within the key personnel  
18 constraint our preference would be to have people  
19 within the company to be able to find.

20 Q Was there many cybersecurity or other Camber  
21 business that was being perhaps put together in an RFP  
22 or were anticipated to do so between March and the end

52 1 of 2014, specifically in Southern California?

2 A Not that I remember anything. No.

3 Q Still on page two of this exhibit marked  
4 number 66 in the lower right-hand corner --

5 A Uh-huh.

6 Q -- Mr. Pai goes on to write, "If it's not  
7 possible" -- starting in the middle of the page there,  
8 "If it's not possible to justify my current salary  
9 when non-billable, my pay would be temporarily reduced  
10 with -- not with family leave. In Southern California  
11 my expenses are much less."

12 What's your understanding as to what non-  
13 billable meaning at Camber in 2014? What's not  
14 billable hours?

15 A Non-billable would mean that anybody who is  
16 not on a project. So -- so anybody who is not working  
17 for the program, we are a project-based organization.  
18 So all my programs under my portfolio were customer-  
19 billable programs. And anybody who is not on that  
20 customer program would be a non-billable person.

21 Q Mr. Pai goes on to write, "I can contribute  
22 by creating and delivering training programs."

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14 (53 to 56)

	53		55
1        Are training programs and those being 2 delivered by non-billable hours at Camber?		1    be focused on the delivery aspect and there are 2 multiple business unit within Camber. So we were, I 3 think, one of the three business units that Camber had 4 overall.	
3 <b>A</b> I didn't have any training programs. I'm not 4 sure what this is about. I didn't have any training 5 programs within my BU.		5        Then, there is a business development growth 6 called strategic business development, SDB [sic]. And 7 the proposal writing department and the business 8 development folks would be in that business unit or in 9 that growth, but -- and then, we'd select proposals so 10 then they decide and sometimes that word they is more 11 than just them. They will work with a division VP like 12 myself to say okay, I want to go after this proposal 13 and have a discussion.	
6        Q Within your what?		14        So once that decision has been made to go 15 after that bid, most of the work would be done by SDB 16 organization that has proposal people and business 17 development folks. But some of the subject matter 18 expert writing would come from the business unit and 19 they would rely on the business unit to help write 20 those proposal, which, in that case, would be my 21 business unit if it is something to do with my 22 business unit.	
7 <b>A</b> Business unit.			
8        Q Oh, BU, business unit. Got it. And you --			
9 right? That was BU?			
10 <b>A</b> Correct.			
11      Q Letter B, letter --			
12 <b>A</b> Correct.			
13      Q Business unit?			
14 <b>A</b> Correct.			
15      Q It goes on to write, "As well as helping you 16 with business development and proposal writing for a 17 cyber security share point [inaudible] in your BL."			
18 Does BL ring a bell for you?			
19 <b>A</b> BI would be business intelligence.			
20      Q What is business intelligence?			
21 <b>A</b> Business intelligence is collecting all this 22 data and making information out of that, such as			
	54		56
1 analytics stuff that people do and a BI analyst would 2 make sense out of the data. Create reports, you know, 3 do analysis of the data, and things like that. So 4 that's BI.		1        And then, I, in turn, would find people and, 2 in most cases, it was center directors pitching in to 3 write that piece of the proposal.	
5        Q Did your unit, business unit, have anyone 6 working on new business development or proposal 7 writing for cyber security or share point migrations 8 or this business intelligence we discussed?		4        Q The subject matter persons that would be 5 assisting in proposal writing on a particular subject, 6 their time on that is not -- was their time on that 7 billed to their then existing customer?	
9 <b>A</b> I never had a dedicated person to do proposal 10 writing. Unfortunately, we never could really afford 11 to do that so I had pretty much center directors 12 pitching in whenever the proposal need was there. And 13 then, center director in turn might pull other people 14 that might know more about that capabilities to help 15 write that proposal.		8 <b>A</b> No, sir. So if they worked on that proposal, 9 many times that work would be done outside of those 10 billable hours. And in some cases -- so they will 11 spend time, big nights or weekends, and that would not 12 be billable to the customer.	
16      Q And time spent on proposal writing was not --		13        And in some cases, if something very urgent 14 that they have to work on, then they will request time 15 off from that customer project and help with that 16 proposal. And that time also would not be billable to 17 the customer.	
17 in your business unit was not billed to the customer, 18 was it?		18      Q In the time period that we've been	
19 <b>A</b> It's a little bit more complex, but I can 20 attempt to explain. So we have business units. So at 21 that time, like within the business unit of Michael 22 Page, there were three divisions. That would primarily		19 discussing here concerning Mr. Pai, which is basically 20 the middle of 2014 -- from March 2014 until the 21 termination of his job at the end of October 2014, 22 there were approximately -- if I understand your	

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15 (57 to 60)

1 earlier testimony correct -- probably 250 employees in 2 -- under your jurisdiction as VP?	57 1 Q You wrote the -- that e-mail at the top of 2 the first page. Yes? 3 A Yes. 4 Q And a bold part above that Whitten comma
3 A Correct. Approximately. Correct. 4 Q Approximately. Were any of those employees 5 working on non-billable work during that period? Such 6 as assisting SBD, being subject matter person, 7 development of business, and so forth?	59 5 Deborah, is that indicating that that was the user who 6 printed this e-mail string that we're looking at? 7 A Sorry. What's your --
8 A So, like I said before, sir, if there were 9 people working for those non-billable activities, in 10 majority of the cases, those would be just the center 11 directors.	8 Q Does the bold part at the very top of the 9 first page, it says Whitten comma Deborah in bold 10 followed by a line. Is that -- does that inform you 11 that that was the user who printed this particular 12 document?
12 In -- like I said, in very few cases, it 13 would be people below the center director only when 14 needed and that will be decided by the center director 15 that are here. I need to reach out to this and this 16 person because he's the subject matter expert on that 17 particular piece of work.	13 A That is the user to -- I'm -- that is the 14 user -- 15 Q It was Deborah Whit- -- yeah. Was Deborah 16 Whitten the Camber e-mail user who printed this 17 specimen?
18 Q Directing your attention briefly to the third 19 page of this exhibit. That's document page PAI67 in 20 the lower right-hand corner.	18 A I believe so because of the way it is 19 printed. Correct.
21 A Yes. 22 Q Mr. Pai's concluding remarks at the bottom of	20 Q This was an e-mail from you to Deborah; 21 right?
22 Q Mr. Pai's concluding remarks at the bottom of	22 A Correct.
58	60
1 that e-mail was September 8th, 9:33 A.M. at the bottom 2 of that page. "I want to explore the possibility of 3 supporting cyber security proposals for Camber and 4 being able to reunite with your family."	1 Q And the forwarded e-mail below -- again, 2 we're still on that first page, 163, about the middle 3 from Atif. 4 A Yes.
5 Was anyone shopping, preparing a cyber 6 security proposal for Camber at that time?	5 Q The same day, Wednes- -- October 1st, 11:20 6 a.m.? Replacement of Ashok Pai. That Mr. Khalil's e- 7 mail to Lisa; right?
7 A Not that I'm aware of. No, sir.	8 A Yes.
8 Q And the name of the next exhibit, I guess, 9 this will be Jain dep Exhibit 5, is a three-page	9 Q And that's Khalil's response to a question on 10 an e-mail on page 164? It's the second page of this 11 exhibit. From Deborah Whitten to Lisa.
10 document. Lower right-hand corner, production number 11 EVOC000163, 164, 165.	12 A Yes.
12 A Okay.	13 Q And that question e-mail from Deborah to Lisa 14 was prompted by Atif's e-mail at the bottom of the 15 second page to Lisa Thompson?
13 Q Mr. Jain, let me know when you're ready to 14 discuss this exhibit.	16 A Yes.
15 A I'm ready.	17 Q Where he's answering her and he attaches a 18 copy on the third page of an e-mail from Howard Meyer 19 to Atif?
16 Q This exhibit is a three-page e-mail string. 17 Starting at the top of the first page, an e-mail from 18 you on Wednesday, October 1st, 2014, 12:59 P.M. to 19 Deborah Whitten, with copies to Lisa Thompson and 20 Atif. The subject is forwarding replacement of Ashok 21 Pai?	20 A Yes.
22 A Yes.	21 Q How did you learn that Atif had sent the e- 22 mail at the bottom of the first page? It's all part of

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16 (61 to 64)

1 the string, but I didn't see you listed as a CC  
2 recipient of Atif's e-mail to Lisa Thompson, bottom  
3 half of the first page of this Exhibit Number 5 to  
4 your deposition. How did you learn that that e-mail  
5 had been sent?

6 **A** I do not remember, but I can say one of the  
7 two things. Either he send that e-mail to me and then  
8 I forwarded that to Deborah without his notes to me.  
9 Could be one option. Or he might have blank copied me,  
10 which I doubt.

11 Q Do you recognize any of the handwriting in  
12 the middle right-hand side of the first page of this  
13 exhibit?

14 A No, I do not.

15 Q Looking at your e-mail to Deborah, the top of  
16 the first page --

17 A Uh-huh.

18 Q You wrote I understand -- "Yes, I understand  
19 this is a difficult situation and we need to comply --  
20 be compliant with rules and regulations."

21 What was the difficult -- difficulty you are  
22 referencing? What is difficult?

1 A Based on my recollection, basically, these  
2 are day-to-day operational issues for all programs.  
3 When that happens, if customer asks for the removal of  
4 a person or -- there's so many different reasons that  
5 person could be removed. The program manager work with  
6 human resources to take action and in this case, I  
7 guess it was taking him longer than it should and  
8 probably rightfully so, that human resources had to  
9 make sure that it is a legitimate termination.

10 But it was taking longer and he needed my  
11 help to facilitate that termination and which is why I  
12 was saying that we understand this might be more  
13 complex or difficult. But kind of stay on top of it  
14 and let's try to make sure that we are engaged  
15 completely to take that action.

16 Q Now, the term of your e-mail you're  
17 discussing on October 1st, 2014, you had talked to  
18 Atif about the termination of Mr. Pai?

19 A I would think so. We have monthly program  
20 reviews and he was direct report. So we had -- at this  
21 one, I can't recall, but maybe weekly communication.  
22 So -- so I would say I was aware of his challenges

61

63

1 that would impact his ability to do his job and those  
2 are the kind of things he would make me aware. And --  
3 and the e-mail is not necessarily the only way for me  
4 to be aware of those things.

5 Q You went on to write, "We need to be  
6 compliant with rules and regulations."

7 What rules and regulations were you concerned  
8 about when you wrote that?

9 A So my concern is making sure that all the  
10 things that we as HR when we do termination, which  
11 they are responsible and accountable for. So when HR  
12 is taking that action, they have to cross the I's, dot  
13 the T's and there could be so many different rules  
14 that they have to make sure they are complying with.  
15 So that's why I meant in that e-mail when I said rules  
16 and regulation.

17 Really, the intent behind that e-mail is to  
18 make sure that HR is on top of these actions and  
19 diligently working efficiently to -- to stay on top of  
20 it. So HR job is to make sure that they are doing the  
21 termination correct -- rightfully, making sure  
22 they're meeting all the rules, and our job on

62

64

1 operation side is to make sure we are fulfilling the  
2 requirements of the customer. And then, together, we  
3 make sure that everything is being done correctly.

4 Q Your e-mail goes on to say, "We've been going  
5 back and forth on this issue to the point the customer  
6 is getting frustrated."

7 How did you learn about customer frustration  
8 with respect to termination of Mr. Pai?

9 A That would be to Atif. That goes back to my  
10 previous comment that our job is to make sure we are  
11 fulfilling the requirement of the customer on the  
12 operations side and making sure we never have a  
13 complaint from the customer.

14 Q What did you learn from Atif about customer  
15 frustration in this instance?

16 A There was overall, I would say,  
17 dissatisfaction on the customer side for the  
18 responsibilities that Ashok was responsible for and  
19 not getting that work done. And those issues must have  
20 been reported either directly to Atif or through  
21 Atif's direct report about getting the work done. And  
22 my general impression through Atif about Ashok Pai was

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17 (65 to 68)

<p>1 there were a lot of absences and the work was not 2 getting done in the timely manner.</p> <p>3 Q Your email sent to Deborah Whitten goes on to 4 say, "I believe we have done everything required from 5 our side and are taking very minimal risk to terminate 6 this employee."</p> <p>7 Risk of what? What are you referring to?</p> <p>8 A I think – I'm not sure what I meant by 9 minimal risk. Maybe I'm speaking to more than what HR 10 should be responsible for. So maybe I'm speaking for 11 HR when I say I'm taking minimal risk. So the first 12 sentence – first part of that sentence is, hey, 13 whatever you asked of us, in order to terminate the 14 employee, we have given everything that you asked for. 15 And the second part of the sentence, I guess the 16 intent behind that is from HR perspective. Whatever 17 risks you think you are taking is minimal. That's more 18 of an opinion.</p> <p>19 Q You went on to write, "Let me know if we need 20 to discuss this or if we need to get someone else 21 involved."</p> <p>22 Did there come a time when you did discuss</p>	65	<p>1 termination, it needs to be client request due to 2 changing requirements for the job for which he is not 3 qualified or the client specifically requests that he 4 is removed."</p> <p>5 Is that your understanding of what HR told 6 Khalil would have to be done in order to terminate Mr. 7 Pai?</p> <p>8 A I do not recall, but any terminations and 9 hirings are typically done between the hiring manager 10 and HR. And if HR would request additional material 11 for termination, then hiring manager would make sure 12 that he provides that additional information. And 13 that's what I see in this e-mail. So she's looking for 14 more information before she can proceed and I think in 15 prior communication, that's what was going on. So Atif 16 was being diligent enough to provide whatever 17 information was needed.</p> <p>18 Q Now, Deborah Whitten, on the second page of 19 this exhibit, asks Lisa Thompson with regard to the 20 replacement of Mr. Pai, "At one point, you said the 21 customer was changing the requirements for the 22 position. Is that the case, and if so, can we get</p>	67
<p>1 this with HR?</p> <p>2 A I don't recall that. I think HR must have 3 spoken to whoever they needed to talk to. So I don't 4 think we had to discuss that. At least between Deborah 5 and I, I don't remember having that discussion.</p> <p>6 Q Did there come a time when someone else got 7 involved?</p> <p>8 A Not that I can recall.</p> <p>9 Q Directing your attention to the bottom half 10 of the first page of this exhibit. This is the Atif e- 11 mail to Lisa Thompson at 11:20 a.m. It's the one you 12 forwarded.</p> <p>13 A Uh-huh. Yes.</p> <p>14 Q Khalil writes, "Lisa, based on your feedback 15 on Friday" dot dot dot, then a quoted material. Was 16 there any discussion on the preceding Friday, that is 17 the Friday before Wednesday, October 1st, regarding 18 this Mr. Pai, involving Lisa Thompson, Atif Khalil, 19 and/or yourself.</p> <p>20 A I do not recall any discussion.</p> <p>21 Q The forwarded e-mail from Khalil, one that 22 you forwarded, says, "In order to move forward with</p>	66	<p>1 something in writing from them?" And Lisa, right above 2 that, sends that question to Atif. "See below from 3 Deborah. Thanks." So HR is asking Atif to get 4 something from the customer changing the requirements 5 of the position?</p> <p>6 A Uh-huh. Yes.</p> <p>7 Q Yes? Now, that was in response to Atif's 8 forwarding of the last page of that – this exhibit. 9 That is the e-mail from Howard Meyer EOIR to Khalil. 10 "Atif, please proceed with replacement of Ashok Pai 11 from the dot net team at the government request."</p> <p>12 A Yes.</p> <p>13 Q That is what Atif Khalil had sent to Lisa 14 Thompson; right?</p> <p>15 A Yes.</p> <p>16 Q And that's what was forwarded and 17 precipitated Deborah Whitten's request, "At one point, 18 you said the customer was changing requirements for 19 the position. Is that the case, and if so, can get 20 something in writing from them?"</p> <p>21 A Yes.</p> <p>22 Q The e-mail from Khalil that you forwarded to</p>	68

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21 (81 to 84)

	81		83
1 <b>A</b> I have no idea.		1 <b>spreadsheet of whatever number of openings I have</b>	
2     Q Is Kiran the person doing the replacing or is		2 <b>within my business unit and ask for a status of how</b>	
3     Kiran the person who is being replaced?		3 <b>that is going. But individual comments and things like</b>	
4 <b>A</b> I have no idea. And these recs, by the way,		4 <b>that, I have no idea what they are writing and --</b>	
5     are -- sometimes are copied and pasted. So I have no		5     Q The requisition in this exhibit is not a mid-	
6     idea who Kiran is and what is the role of this person		6     level requisition, is it? It says at the top senior	
7     over here.		7     dot net developer.	
8     Q Looking at the first page of this exhibit		8 <b>A</b> Yes.	
9     bearing document page number lower right-hand corner,		9     Q This requisition is not mid-level; correct?	
10 322.		10 <b>A</b> Correct.	
11 <b>A</b> Yes.		11   Q When we were discussing the e-mail strings in	
12  Q All right. I'm looking at the comments		12 Exhibit 6 and 5, where we were looking at Deborah	
13 section on 11/02/14. It looks like 7:20 p.m. by Eddie		13 Whitten's question, "At one point, you said the	
14 Firosee. Mr. Firosee writes, "Have not been able to		14 customer is changing requirements for the position,"	
15 find a technically competent candidate that matches		15 and you gave me an opinion as to what you thought Atif	
16 other requirements, commute, clearance, et cetera. We		16 was trying to do when he was answering at the bottom	
17 have done 20-plus full screens and approximately 10		17 of the first page of Exhibit 6 with the -- some	
18 face-to-face interviews.		18 differences in Ashok's position and a new req we have	
19       Three candidates accepted other offers while		19 opened.	
20 we were processing them. We are flexible on the		20       Do you know if the customer ever did change	
21 salary, on the rated salary, and have two reqs open		21 the requirements for the position held by Mr. Pai?	
22 now for (mid-level and senior). I sent a reminder to		22 <b>A</b> For DOJ EOIR there's always change about the	
	82		84
1     the agencies yesterday to submit more candidates."		1 <b>requirements and the position. There's constant</b>	
2       Do you recall any discussion that you had		2 <b>something or the other. So for me to specifically</b>	
3     concerning the filling of this requisition?		3 <b>remember at what point they changed the requirement of</b>	
4 <b>A</b> No. I don't have any discussions as far as		4 <b>the position, I couldn't answer that because I</b>	
5     selecting the candidates or hiring the candidates. But		5 <b>directly did not work with the customer.</b>	
6     looking at just the comments, basically what seems to		6     Q Do you know if the customer ever changed the	
7     me is Eddie, as a recruiter, is trying to find as many		7     requirements for the position held by Mr. Pai?	
8     candidates as possible.		8 <b>A</b> I would say yes.	
9       And then he's having a little challenge in		9     Q And the basis of your knowledge is what? How	
10 terms of finding the right candidate. So then he		10 do you know that's what the customer did?	
11 opened up to more reqs. That's basically what the		11 <b>A</b> That would be based on the program status and	
12 comment says is what I can gather, but --		12 discussions with the program manager.	
13  Q Now, looking at the top of this page 322,		13   Q That was Atif; yes?	
14 first page of this deposition exhibit, it says		14 <b>A</b> Yes.	
15 requisition senior dot net developer. Do you believe		15   MR. STERN: Do you have any questions, Bob?	
16 that this requisition is an additional one, that is		16   MR. ORTBALS: No. Are you closing your	
17 that there's a mid-level one referenced by Eddie, and		17 examination at this point?	
18 a senior referenced by Eddie, and there's also this		18   MR. STERN: Subject to any re-cross after you	
19 senior net developer requisition?		19 ask questions.	
20 <b>A</b> I have no idea. This is the first time I'm		20   MR. ORTBALS: Okay. No. I don't have any	
21 even looking at this req itself. Typically, the way I		21 questions.	
22 managed the business is I would see an Excel		22   MR. STERN: Bob, will -- will Camber waive	